

City Council
October 21, 2024

A regular meeting of the Mayor and City Council of the City of Waxahachie was held at the Waxahachie Civic Center, 2000 Civic Center Lane, Meeting Rooms A and B, Waxahachie, Texas, on Monday, October 21, 2024 at 7:00 p.m.

Council Members Present: Billie Wallace, Mayor, Council Member Place 4
Chris Wright, Mayor Pro Tem, Council Member Place 3
Tres Atkins, Council Member Place 1
Patrick Souter, Council Member Place 2

Council Member Absent: Travis Smith, Council Member Place 5

Others Present: Albert Lawrence, Deputy City Manager
Terry Welch, City Attorney
Amber Villarreal, City Secretary

1. Call to Order

Mayor Billie Wallace called the meeting to order.

2. Invocation

3. Pledge of Allegiance and Texas Pledge of Allegiance

Mayor Wallace gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

None.

5. Consent Agenda

- a. Minutes of the City Council meeting of October 7, 2024
- b. Receive and accept the FY 2023-2024 Impact Fee Revenue and Expenditure Activity Report
- c. Construction Manager at Risk for City Hall Remodel and Construction Project

Action:

Chris Wright moved to approve all items on the Consent Agenda as presented and authorize the City Manager and/or Mayor to execute all associated documents as necessary. Motion was seconded by Patrick Souter and carried unanimously (4-0).

6. Introduce Honorary Council Member

Council Member Tres Atkins introduced October Honorary Council Member Jackie Wray. Mrs. Wray was born in Waxahachie, Texas at the Waxahachie Sanitarium in 1950 and attended Waxahachie ISD. She started her career with the Texas Department of Public Safety as the Driver's License Clerk. She held that position in Waxahachie for 17 years and was known as the "Driver's License Lady" in the community. From there, she worked with her husband, Jerry, in business until his death in 2005. She then went on to work in the Ellis County District Clerk's office handling pro se litigants.

Mrs. Wray loves Waxahachie and has served on many boards for local clubs and organizations in the community such as The Waxahachie Symphony Board working with Belles and Beaus, Chautauqua Board, Daniels' Den, Ellis County Child Welfare Board, community advisor for Navarro College, and President of the Waxahachie Ex-Student's Association for 2 years.

Mrs. Wray is a member of First United Methodist Church and has been on over ten mission trips with the church and served in almost every ministry.

Jackie has one son, John Wray, who has served as Mayor of Waxahachie and State Representative of House District-10. She has a daughter-in-law, Michele, who is also involved in the community, a granddaughter, Morgan, who is a second-year law student at Vanderbilt, and a grandson, Patrick, who is in his third year at the University of Texas.

7. Present Proclamation recognizing October as "Community Planning Month"

Mayor Pro Tem Chris Wright presented a Proclamation recognizing October as "Community Planning Month."

8. Recognize the City of Waxahachie as the recipient of the 2024 Richard R. Lillie, FAICP Planning Excellence Award

City Council recognized the City of Waxahachie for receiving the 2024 Richard R. Lillie, FAICP Planning Excellence Award.

9. Present Proclamation recognizing November 1st as "Texas Arbor Day"

Council Member Patrick Souter presented a Proclamation recognizing November 1st as "Texas Arbor Day."

10. Continue Public Hearing on a request by Matthew Smith, Darwood Partners, for a Specific Use Permit (SUP) for a Convenience Store and Gasoline Sales use within a General Retail (GR) zoning district located at the northwest corner of Broadhead Road and Garden Valley Parkway (Property ID 242234) – Owner: WP Legacy LTD (ZDC-139-2024)

Mayor Wallace announced the applicant requested to continue the Public Hearing from the October 21, 2024 City Council meeting to the November 18, 2024, City Council meeting to evaluate the public comments.

Action:

Patrick Souter moved to continue the Public Hearing for ZDC-139-2024 to the November 18, 2024 City Council meeting. Motion was seconded by Tres Atkins and carried unanimously (4-0).

11. Consider proposed Ordinance approving ZDC-139-2024

No action taken.

12. Continue Public Hearing on a request by Katrina Aulson (formally Katrina Walker) & Patrick Aulson, for a Specific Use Permit (SUP) for an Accessory Structure exceeding one-thousand (1,000) square feet in combined floor area for more than two (2) existing accessory structures use within a Single-Family Dwelling-1 (SF-1) zoning district located at 611 North Grand Avenue (Property ID 176844) – Owner(s): Katrina Walker (ZDC-180-2023)

Senior Director of Planning Jennifer Pruitt presented the Item. The applicant is requesting a Specific Use Permit (SUP) to construct an accessory structure that exceeds one-thousand (1,000) square feet in combined floor area for more than two (2) existing accessory structures at 611 North Grand Avenue. One of the existing accessory structures is a garage accessory dwelling of approximately 972 square feet. The second existing accessory structure is not being used and is approximately 396 square feet; therefore, the total square footage of existing and proposed accessory structures exceeds 1,000 square feet and requires a SUP to be approved by City Council.

According to the Ellis County Appraisal District, the single-family dwelling has an approximate size of 2,918 square feet, and the proposed accessory structure has an area of 448 square feet. The accessory structure is proposed to utilize wood for the exterior façade. The owner plans to utilize the accessory structure for storing household items, tools, and smaller lawn equipment. There will not be plumbing or water, but electrical will be added to the accessory structure. The structure will be situated at the back of the property, towards the southeastern part of the lot. An accessory structure of 972 square feet was approved in 2022 near the subject property.

The applicant has confirmed to staff that the structure will not be used as a dwelling and will not be metered, sold, or leased separately from the existing home. To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements 14 notices were mailed to property owners within 200 feet of the request. At the time of publishing the staff report, no letters of support and opposition were received.

Mayor Wallace opened the Public Hearing at approximately 7:19 p.m.

There being no others to speak for or against ZDC-180-2023, Mayor Wallace closed the Public Hearing at approximately 7:19 p.m.

13. Consider proposed Ordinance approving ZDC-180-2023

ORDINANCE NO. 3574

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ACCESSORY STRUCTURE EXCEEDING ONE-THOUSAND (1,000) SQUARE FEET IN COMBINED FLOOR AREA FOR MORE THAN TWO (2) EXISTING ACCESSORY STRUCTURES USE WITHIN A SINGLE FAMILY-1 (SF-1) ZONING DISTRICT, LOCATED AT 611 N GRAND AVENUE, BEING PROPERTY ID 176844, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 3B, BLOCK 27 OF THE WEST END ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Chris Wright moved approve ZDC-180-2023, a Specific Use Permit for an Accessory Structure exceeding one-thousand square feet in combined floor area for more than two existing accessory structures within a Single-Family-1 zoning district, subject to the conditions of the staff report, and authorize the Mayor and/or City Manager to sign all necessary documents. Motion was seconded by Tres Atkins and carried unanimously (4-0).

14. Public Hearing on a request by Brad Yates, for a Replat of Lot 1, Block 23 of the Bullard's Addition, to create Lots 1R & 3, Block 23 of the Bullard's Addition, two (2) residential lots, being 0.324 acres, located at 708 S Rogers Street, (Property ID 172368) – Owner: Graily Holdings LLC (SUB-178-2024)

Ms. Pruitt presented the Item. With this application, the property owner proposes to replat the subject property from one (1) lot into two (2) lots for residential use. The subject property is currently comprised of a single platted lot and is located within the Infill Overlay District. The "Infill" is an overlay district that has been adopted for the older core of Waxahachie, between I35E and US Highway 287 Bypass. The Infill Overlay District was established to encourage development of vacant tracts within the core of Waxahachie. This is accomplished by less strict lot size, lot dimensions, and setback requirements than those that exist for base single-family zoning districts.

The applicant proposes to provide 10' of right-of-way (ROW) dedication for S Rogers Street, as required by the 2024 Waxahachie Thoroughfare Plan. The applicant also proposes to dedicate public and private utility easements with the Replat, as required by the Waxahachie Subdivision Ordinance. As part of the review of the Replat application, staff identified three supplemental items that are required by Waxahachie Subdivision Ordinance to be provided with the Replat prior to filing. Provision of these items has been identified as conditions of approval in the staff recommendation section below.

The Infill Overlay District requires newly proposed lots to be at least 90% of the average size of existing lots within 50' of the subject property. In this case, the average lot size within 50' of the subject property is approximately 33,149 square feet. The two lots proposed with this Replat are approximately 8,009 square feet and 8,448 square feet. While the proposed lots do not meet the size requirement of the Infill Overlay District based on properties within 50', the lot sizes are consistent with existing properties in the larger Bullard's Addition. For example, several existing lots along Dunaway Street and W Avenue C that are located between 200' and 400' away from the subject property are between 6,500 square feet and 9,000 square feet in size. Due to consistency with the neighborhood as a whole, and the fact that lots directly adjacent to the subject property are unusually large, staff is supportive of the variance request for lot sizes below the typical minimum requirement of the Infill Overlay District.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 29 notices were mailed to property owners within 200 feet of the request. Staff received two (2) letters of support for the Replat request and one (1) letter of opposition.

Mayor Wallace opened the Public Hearing at approximately 7:22 p.m.

There being no others to speak for or against SUB-178-2024, Mayor Wallace closed the Public Hearing at approximately 7:22 p.m.

Mayor Pro Tem Wright recognized Mr. Yates' efforts to use the Comprehensive Plan as a guide to redevelop properties in the infill area.

15. Consider approval of SUB-178-2024

Action:

Tres Atkins moved to approve SUB-178-2024, a Replat of Lot 1, Block 23 of the Bullard's Addition, and the associated Petition for Relief Waiver, subject to the conditions of the staff report, and authorize the City Manager and or Mayor to execute all documents necessary. Motion was seconded by Patrick Souter and carried unanimously (4-0).

16. Public Hearing on a request by Mark Singleton, Waxahachie Development Company, for a Zoning Change from a General Retail (GR) zoning district to Planned Development-General Retail (PD-GR) zoning district, for a Retail Stores & Shops and Drive-Through Establishment use, located directly south of 450 E US Highway 287 Bypass, (Property ID 179056) - Owner: Waxahachie Development Company, (ZDC-72-2022)

Ms. Pruitt presented the Item and owner Mark Singleton requested approval. The applicant proposes a Planned Development (PD) zoning district to allow for the development the Sports Complex Plaza. A PD zoning district is utilized to allow for new and/or innovative land uses that may not be permitted by existing base zoning districts in the City of Waxahachie. This PD proposal consists of two (2) multi-tenant retail buildings and a single drive-through establishment on the subject property. The applicant is pursuing a Planned Development in order to establish an appropriate detailed site plan for the property, establish development standards that eliminate the need for a sidewalk along Highway 287 Bypass, and allow for a drive-through establishment use by right. The PD zoning process will allow for the implementation of these specific development standards in addition to those prescribed by the existing General Retail (GR) zoning district.

This PD application was originally submitted in June of 2022. Following an initial review by staff, the applicant opted to place the project on hold and did not provide an immediate resubmittal. Notably, the applicant did not request to withdraw the application. In May of 2024, the applicant advised staff that they were ready to proceed with the application once again. At that time, staff worked with the applicant to complete the administrative review process for the application.

As part of the PD proposal, the applicant has provided Development Standards, a Detailed Site Plan, Landscape Plan, and Elevation/Façade Plan to control development of the property. The proposed Sports Complex Plaza includes a 10,653 square foot retail building and a 5,017 square foot retail building separated by a plaza and outdoor seating area. Each building is designed to allow for multiple retail tenants. However, Building Two (5,017 SF) is currently intended to be finished out for a single restaurant tenant. Development of the subject property is proposed to occur in a single phase. No specific tenants have been identified for the development.

The minimum parking requirement for the development is 104 spaces. The applicant proposes to provide a total of 107 spaces; which marginally exceeds the minimum requirement. At this time, no free-standing signage is proposed with the development. As part of the PD, the applicant has proposed a development standard that eliminates the typical requirement to install a 6' sidewalk adjacent to a public street. The applicant has noted that the development is intended to be auto-oriented and there is not a sidewalk for the existing First Baptist Church for the development to tie into. The development does not include a direct pedestrian connect to the Waxahachie Sports Complex.

The applicant proposes to allow for one (1) drive-through establishment by right on the subject property. The site is designed to facilitate a drive-through establishment use for one of the two proposed buildings; but not both. A designated drive-through lane capable of stacking six (6) vehicles is provided for each building. However, the drive-through lane for Building One allows for stacking of up to twenty (20) vehicles. At this time, the applicant has not identified tenants for the proposed buildings. Due to this, the applicant has not determined which building will provide a drive-through window.

The applicant has met the minimum landscaping requirements for the development. The applicant proposes to incorporate seventeen (17) crape myrtles into the Landscape Plan for the site.

The elevation/façade primarily features a traditional red brick façade with light earth tone stone and stucco accents. All roof-mounted mechanical and HVAC equipment will be screened from view by parapets.

The applicant proposes to design on-site detention facilities for the development and has noted that the design will adhere to the Waxahachie Manual for The Design of Storm Drainage Systems. The applicant proposes to extend a sanitary sewer line from Broadhead Road to provide sewer service to the subject property. A 12" water line exists along Highway 287 Bypass that is capable of providing domestic and fire suppression service to the subject property. The applicant will install additional fire hydrants on the property in order to meet Fire Department hydrant spacing requirements. As part of the standard Waxahachie development process, the applicant is required to fully design detention and utility infrastructure for the site via a Civil Construction Permit. A Civil Construction Permit is required to be approved, and the associated infrastructure installed, before a building permit can be issued for the property.

A single driveway is proposed along the Highway 287 Bypass service road to provide access to the subject property. The applicant is required to coordinate with TxDOT to secure a driveway permit for this access point before a Civil Construction Permit can be approved for the property.

The subject property is identified by the 2023 Comprehensive Plan under the Regional Commercial placetype. The applicant proposes to adhere to the intent of this placetype by establishing a retail setting for regional businesses adjacent to a highly trafficked thoroughfare. In consideration of the regional traffic drawn to this area, space has been reserved for a public plaza and outdoor seating area between the proposed retail buildings. The plaza and seating area are items recommended by the Comprehensive Plan in an effort to make the regional commercial center an inviting destination. The provision of a plaza and outdoor seating area are intended to encourage residents to gather and visit multiple establishments in a single trip.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 3 notices were mailed to property owners within 200 feet of the request. Staff has received no letters of support or opposition for the zoning change request.

Mayor Wallace opened the Public Hearing at approximately 7:26 p.m.

There being no others to speak for or against ZDC-72-2022, Mayor Wallace closed the Public Hearing at approximately 7:26 p.m.

17. Consider proposed Ordinance approving ZDC-72-2022

ORDINANCE NO. 3575

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM GENERAL RETAIL (GR) TO PLANNED DEVELOPMENT-GENERAL RETAIL (GR), LOCATED DIRECTLY SOUTH OF 450 E US HIGHWAY 287 BYPASS IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 2.241 ACRES KNOWN AS PROPERTY ID 179056 OF THE J.B. & A. ADAMS SURVEY, ABSTRACT 5, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Patrick Souter moved to approve ZDC-72-2022, a Zoning Change from a General Retail zoning district to a Planned Development-General Retail zoning district for a Retail Stores & Shops and Drive-Through Establishment use, subject to the conditions of the staff report, and authorize the City Manager and/or Mayor to sign all necessary documents. Motion was seconded by Tres Atkins and carried unanimously (4-0).

18. Consider Development Agreement for ZDC-72-2022

Action:

Chris Wright moved to approve the Development Agreement for ZDC-72-2022. Motion was seconded by Patrick Souter and carried unanimously (4-0).

19. Consider Engineering Professional Services Agreement for a new 12-inch Sanitary Sewer Main

Kumar Gali, Senior Director of Utilities, presented the Item. The professional services agreement includes surveying, easement preparation, construction plan preparation, bidding, and construction administration services for the new sewer main. The project will include design of approximately 2,200 linear feet of 12-inch sanitary sewer main from the proposed high school and connect to the proposed gravity sewer main. The proposed gravity sewer main and connection to the existing sewer interceptor (downstream sewer) is being designed by Haven Ranch development. City staff has the design services scope and contract for the downstream sewer, and will bring the contract to council for approval if the Haven Ranch Subdivision is delayed or cancelled.

Action:

Patrick Souter moved to approve a professional services agreement with Freese and Nichols, Inc. in the amount of \$176,722 for the design of new 12-inch sanitary sewer main providing service to the newly proposed Waxahachie High School, and authorize the City Manager to execute all necessary documents. Motion was seconded by Chris Wright and carried unanimously (4-0).

20. Comments by Mayor, City Council, City Attorney and City Manager

Council Members thanked Jackie Wray for her participation as the Honorary Council Member.

Honorary Council Member Jackie Wray thanked City Council for their service to Waxahachie.

Mayor Pro Tem Chris Wright announced the house for Thomas Jordan will be moved to his property on Tuesday.

Mayor Billie Wallace recognized the Trunk-O-Palooza event held this past Saturday and recognized the joint efforts for the successful event. Mayor Wallace thanked Council Members and City staff for the installation of the panhandler signs on Highway 77.

21. Adjourn

There being no further business, the meeting adjourned at 7:33 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary